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REMARKS

Claims 1-71 are currently pending. Claims 22, 48, 64, 66, and 68 have been cancelled. Claims 1, 30, 57, 65, 67, and 69-71 have been amended herein. Claims 1, 30, and 57 have been amended to incorporate some of the rheology enhancers that were listed in cancelled claims 22, 48, 64, 66, and 68. Upon entry of this amendment, claims 1-21, 23-47, 49-63, 65, 67, and 69-71 will be pending. Applicants respectfully request reconsideration of the rejection of claims 1-21, 23-47, 49-63, 65, 67, and 69-71 and allowance of these claims.

Rejection of Claims Under 35 U.S.C. §102(e) (12)

Reconsideration is requested of the rejection of claims 1-21, 23-47, 49-63, 65, 67, and 69-71 under 35 U.S.C. §102(e) as being anticipated by Gatto, et al. (U.S. Patent No. 6,570,084).

As amended, claim 1 is directed to a tissue product comprising a fibrous substrate material and a lubricating formulation. The lubricating formulation is present on the tissue product in an amount of from about 1% (by weight of the dry tissue) to about 30% (by weight of the dry tissue). The lubricating formulation comprises from about 10% (by total weight of the formulation) to about 89% (by total weight of the formulation) of an emollient, from about 10% (by total weight of the formulation) to about 50% (by total weight of the formulation) of a structurant, and from about 0.1% (by total weight of the formulation) to about 40% (by total weight of the formulation) of a rheology enhancer. The rheology enhancer is selected from the group consisting of combinations of alpha-olefins and styrene alone or in combination with mineral oil or petrolatum, combinations of di-functional alpha-olefins and styrene alone or in combination with mineral oil or petrolatum, combinations of alpha-olefins and isobutene alone or in combination with mineral oil or petrolatum, ethylene/propylene/styrene copolymers alone or in combination with mineral oil or petrolatum, butylene/ethylene/styrene copolymers alone or in combination with mineral oil or

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petrolatum, ethylene/vinyl acetate copolymers, polyethylene polyisobutylenes, polyisobutenes, dextrin palmitate, dextrin palmitate ethylhexanoate, stearyl inulin, distearadimonium hectorite, styrene/butadiene/styrene copolymers, styrene/isoprene/styrene copolymers, styrene-ethylene/butylene-styrene copolymers, styrene-ethylene/propylene-styrene copolymers, (styrene-butadiene) n polymers, (styrene-isoprene) n polymers, styrene-butadiene copolymers, styrene-ethylene/propylene copolymers; mineral oil and styrene; mineral oil and ethylene/propylene/styrene copolymers and butylene/ethylene/styrene copolymers; hydrogenated polyisobutene and butylene/ethylene/styrene copolymers; hydrogenated polyisobutene and ethylene/propylene/styrene copolymers and butylene/ethylene/styrene copolymers; petrolatum and ethylene/propylene/styrene copolymers and butylene/ethylene/styrene copolymers; isononyl isononanoate and ethylene/propylene/styrene copolymers and butylene/ethylene/styrene copolymers; isododecane and ethylene/propylene/styrene copolymers and butylene/ethylene/styrene copolymers; isohexadecane and ethylene/propylene/styrene copolymers and butylene/ethylene/styrene copolymers; isopropyl palmitate and ethylene/propylene/styrene copolymers and butylene/ethylene/styrene copolymers; and combinations thereof.

Gatto, et al. disclose an absorbent article comprising a skin care composition. The skin care composition may comprise from about 0.001% to about 70% by weight of a skin care ingredient, from about 0.1% to about 25% by weight of a rheology agent, from 0 to 99.9% by weight of an emollient, and from about 5 to about 95% by weight of an immobilizing agent. The skin care composition has an elastic modulus of at least about 5 dynes/cm² measured at a strain of 0.2%, an oscillation frequency of 10 rad/sec, and a temperature of 77°C, an apparent viscosity of from about 1 to about 100,000 cps.

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Specifically, Gatto, et al. do not disclose the skin care composition on a tissue product. In contrast to the requirements of the present invention, Gatto, et al. is directed to absorbent articles comprising a skin care composition. The absorbent articles of Gatto, et al. include feminine hygiene garments (e.g., sanitary napkins, pantiliners, and tampons), diapers, incontinence briefs, diaper holders, and training pants.¹ According to Gatto, et al., the absorbent articles typically comprise a topsheet, a backsheet, and an absorbent core between the topsheet and the backsheet, and are capable of absorbing or retaining body exudates.² In contrast, claim 1 is directed to a tissue product comprising a fibrous substrate material and a lubricating formulation. Such tissue products may include facial tissue, bath tissue, towels, hanks, napkins, and similar products.³

Furthermore, Gatto, et al. do not appear to disclose the specific rheology enhancers listed in amended claim 1.

As stated in M.P.E.P. §2131, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Since Gatto, et al. fail to disclose a tissue product comprising a fibrous substrate material and a lubricating formulation, and do not disclose any of the specific rheology enhancers listed in amended claim 1, Gatto, et al. fail to disclose each and every limitation of claim 1. As such, claim 1 is novel over Gatto, et al.

Claims 2-21, 23-29 and 65 depend directly from claim 1 and are thus patentable for the same reasons as set forth above for claim 1 as well as for the additional elements they require.

Amended claim 30 is similar to claim 1 and further requires the lubricating formulation to have a melt point viscosity of from about 5000 cPs to about 1,000,000 cPs and a

¹ U.S. Patent No. 6,570,054 at col. 25, ln. 24-28.

² Id. at ln. 29-32 and 52-54.

³ Specification, p. 7, ¶18.

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process temperature viscosity of from about 50 cPs to about 50,000 cPs. Claim 30 is patentable for the same reasons as set forth above for claim 1, as well as for the additional elements it requires.

Claims 31-47, 49-56 and 67, which depend directly from claim 30, are patentable for the same reasons as set forth above for claim 30, as well as for the additional elements they require.

Amended claim 57 is similar to claim 30, only is directed to a method of manufacturing a facial tissue comprising introducing a lubricating formulation onto a tissue substrate. Claim 57 is thus patentable for the same reasons as set forth above for claim 30 as well as for the additional elements it requires.

Claims 58-63 and 69 depend directly or indirectly from claim 57, and are patentable for the same reasons as set forth above for claim 57, as well as for the additional elements they require.

Independent claim 70 is similar to claim 1, only does not specify the amount of lubricating formulation on the tissue product, and states that the rheology enhancer is selected from the group consisting of mineral oil and ethylene/propylene/styrene copolymers; mineral oil and butylene/ethylene/styrene copolymers; mineral oil and styrene; mineral oil and ethylene/propylene/styrene copolymers and butylene/ethylene/styrene copolymers; hydrogenated polyisobutene and butylene/ethylene/styrene copolymers; hydrogenated polyisobutene and ethylene/propylene/styrene copolymers and butylene/ethylene/styrene copolymers; petrolatum and ethylene/propylene/styrene copolymers and butylene/ethylene/styrene copolymers; isononyl isononanoate and ethylene/propylene/styrene copolymers and butylene/ethylene/styrene copolymers; isododecane and ethylene/propylene/styrene copolymers and butylene/ethylene/styrene copolymers; isohexadecane and ethylene/propylene/styrene copolymers and

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butylene/ethylene/styrene copolymers; isopropyl palmitate and ethylene/propylene/styrene copolymers and butylene/ethylene/styrene copolymers; and combinations thereof. Claim 70 is patentable for the same reasons as set forth above for claim 1 as well as for the additional elements it requires.

Claim 71 depends directly from claim 70 and is patentable for the same reasons as set forth above for claim 70, as well as for the additional elements it requires.

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CONCLUSION

In light of the foregoing, applicants request reconsideration of the rejection of claims 1-21, 23-47, 49-63, 65, 67, and 69-71, and allowance of all pending claims. The Commissioner is hereby authorized to charge any fee deficiency in connection with this response to Deposit Account Number 19-1345.

Respectfully submitted,



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